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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/544,130

08/02/2005

Tony Geusens

GUES3001/JEK

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23364 7590 01/02/2009

BACON & THOMAS, PLLC

625 SLATERS LANE

FOURTH FLOOR

ALEXANDRIA, VA 22314-1176

EXAMINER

SPISICH, GEORGE D

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

01/02/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/544,130	<b>Applicant(s)</b> GEUSENS, TONY	
	<b>Examiner</b> GEORGE D. SPISICH	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on September 10, 2008 (w/ suppl. 10/8/08).
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on August 2, 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the twist lock coupling provided on the longitudinal runners (claim 14) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 is unclear. It is unclear what "the I-profile" is of that is being claimed. Examiner is considering this to be the profile of one of the beams in the "beam truss".

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,5-8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr et al. (USPN 5,242,185) in view of Archer et al (USPN 5,820,150).

Carr et al. discloses a semi-trailer comprising a chassis having at least two laterally spaced supporting longitudinal runners (32) connected to each other by means of cross connections (72,66,etc), and at least two laterally spaced wheels (16,18) carrying the chassis. The longitudinal runners are located on the side edges of the chassis at a distance that is larger than the distance between the wheels.

Carr et al. does not disclose details to the mounting of the wheels.

Archer et al. discloses a "trailer" (see Figures 10 and 16 at least) having a plurality of wheel sets which are independently hinged via parallel upper and lower supporting arms that are hingedly connected at one end to a central support part (152) of the chassis extending between the runners to a respective wheel at an opposite end (at 184). There are a plurality of wheels sets that are spaced longitudinally.

The structure Applicant has claimed is merely a central member that supports the upper and lower supporting arms.

The upper and lower arms are provided in pairs on the chassis with each pair spaced longitudinally from each other. The arms are broadly considered a "triangular bracing" since there are 2 hinge joints at the central support member and a single hinge joint at the wheel and therefore arranged in a triangular orientation.

It would have been obvious to modify the trailer suspension of Carr et al. by providing a suspension as taught by Archer et al. so as to provide a central support and having a standard upper and lower arm suspension for the wheels as also taught by Archer et al. so as to stably mount the wheels and provide improved performance.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr et al. in view of Archer et al. as applied to claims 1,5-8 and 12 above, and further in view of Studdard (USPN 4,971,355).

Carr et al. in view of Archer et al. has been discussed in the previous rejection, however does not show a "reinforcement" in the shape of a beam truss extending below and over a selected length of the longitudinal runner.

Studdard (see Figs. 2 and 3 at least) discloses a “reinforcement” in the form a beam truss extending over a selected length of a longitudinal runner and extending below the runner and between the wheels and a journal area. This not only provides for added storage, it allows for increased load capacity of the trailer. It would have been obvious to use an I-profile since an I beam is a common structural element for vehicle/trailer frame (and as shown in Carr et al.) construction and since an I profile structural element has improved strength.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the chassis of Carr et al. in view of Archer et al. to include a beam truss reinforcement below the longitudinal runners and between the wheels and journal as taught by Studdard so as to provide added storage an increase strength for added load capacity.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carr et al. in view of Archer et al. as applied to claims 1,5-8 and 12 above, and further in view of Theurer et al. (USPN 4,129,395).

Carr et al. in view of Archer et al. does not disclose a twist lock coupling on the longitudinal support runners. However, Applicant still does not show how these locks are incorporated into the runner.

Theuer et al. shows a trailer frame/chassis with twist lock couplings provided on the longitudinal and/or cross members thereof for fixing a container to the chassis. It is

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common in the trailer art to fasten a container to a transport vehicle (trailer) via the frame members of the trailer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trailer chassis/frame of Carr et al. in view of Archer et al. by providing twist lock couplings on the frame to secure a container to the vehicle as taught by Theuer et al. and since it is well known in the transport art to fasten containers to transport vehicles in this manner.

### ***Response to Arguments***

Applicant's arguments filed September 10, 2008 have been fully considered but they are not persuasive.

Applicant's argument with respect to the "central support" of Applicant's invention is not persuasive. It is Examiner's position that a "central support" is merely a member that provides support and is centrally located. The term "single" does not prevent any support that is centrally located from reading on the claims. It is Examiner belief that Applicant intends that a "single central support" is limited to a single vertical member that is on the longitudinal center line of the vehicle to which the wheel support arms are hingedly connected, but the term "single central support" can properly be read to be much broader such as the interpretations in this Office Action as any support that is central and connected/integral is considered a single central support.

Applicant's arguments with respect to claims 2 and 8 have been considered but are moot in view of the new ground(s) of rejection.

Examiner has provided a new rejection(s) to address these more specific limitations.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents show various "beam truss" reinforcement structure located between the wheel(s) and a journal area of the trailer: Lindsay (USPN 5,028,072), Lindsay (USPN 4,863,189), LaRue (USPN 2,846,263).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE D. SPISICH whose telephone number is (571)272-6676. The examiner can normally be reached on Monday-Friday from 8:30 to 5:00.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on (571) 272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/  
Supervisory Patent Examiner, Art Unit 3616

/George D. Spisich/  
Examiner, Art Unit 3616  
December 14, 2008